

INTRODUCED BY MR. STANTON,

JANUARY 18, 1905.

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REFERRED TO COMMITTEE ON PUBLIC HEALTH AND QUARANTINE.

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### AN ACT

To INSURE THE BETTER EDUCATION OF PRACTITIONERS OF NATUROPATHY,  
AND TO REGULATE THE PRACTICE OF NATUROPATHY IN THE STATE  
OF CALIFORNIA, PROVIDING PENALTIES FOR THE VIOLATION  
HEREOF.

*The people of the State of California, represented in senate and assembly,  
do enact as follows:*

SECTION 1. It shall be unlawful for any person to engage  
2 in the practice of naturopathy in the State of California unless  
3 said person shall have obtained a license from a board of  
4 naturopath examiners, duly authorized and appointed under  
5 the provisions of this act, to issue licenses as hereinafter  
6 provided.

SEC. 2. Every person that holds a diploma from a recognized  
2 college of naturopaths, or who was engaged in the practice of  
3 naturopathy in the State of California previous to the passage  
4 of this act, shall within six (6) months thereafter, cause his  
5 name, residence and place of business to be registered with  
6 the board of naturopath examiners and pay the fee herein-  
7 after provided, whereupon the board shall issue a license duly

8 signed by a majority of said board, and such license shall be  
9 *prima facie* evidence of the right of the holder thereof to  
10 practice naturopathy in the State of California.

SEC. 3. A board of naturopath examiners to consist of  
2 five (5) reputable and ethical practicing resident naturopaths is  
3 hereby created, to be known as the board of naturopath  
4 examiners of the State of California, whose duty it shall be to  
5 carry out the purposed and enforce the provisions of this act.  
6 The members of this board shall be appointed by the Associa-  
7 tion of Naturopaths, incorporated under the laws of the State  
8 of California, all of whom shall have been actively engaged  
9 in the practice of naturopathy in the State of California, at  
10 least two (2) years next, preceding the date of their appoint-  
11 ment. The said five (5) shall compose the board of naturopath  
12 examiners of the State of California. The term for which the  
13 members of said board shall hold office, shall be two (2) years,  
14 except that two (2) of the members first to be appointed under  
15 this act, shall hold their term of office for one (1) year, and  
16 three (3) for the term of two (2) years, and until their suc-  
17 cessors are duly appointed and qualified. In case a vacancy  
18 occurs in the membership of said board, such vacancy shall be  
19 filled by appointment by the Association of Naturopaths within  
20 thirty (30) days after such vacancy occurs.

SEC. 4. It shall be the power and duty of said board to  
2 organize by the election of one of its members, president,  
3 another secretary, and another treasurer; to meet at least twice  
4 each year, once in San Francisco and once in Los Angeles, or  
5 at such time and place as the board may designate, for the  
6 purpose of transacting the business of the board, and at such  
7 other times as the board may elect, or on the call of the presi-  
8 dent of the board, or of not less than three (3) members there-  
9 of: a written notice of the time, place and object of such called  
10 meeting to be mailed by the secretary of said board to all the  
11 members thereof not parties to the call, at least fifteen (15)  
12 days before the day of meeting; to examine all applicants for  
13 licenses to practice naturopathy according to the provisions of  
14 this act: to collect and apply all fees as directed by this act: to

15 keep a book showing the names of all persons to whom licenses  
16 have been granted by said board to practice naturopathy, and  
17 such other books as may be necessary to plainly show all the  
18 acts and proceedings of said board: to have and to use a seal  
19 bearing the name, "Board of Naturopath Examiners of Cali-  
20 fornia."

SEC. 5. Out of the funds coming into the possession of the  
2 board, each member of said board may receive as compensation,  
3 ten (\$10) dollars for each day actually spent in attending to  
4 the duties of his office, and mileage at the rate of five (5) cents  
5 per mile for all distances actually traveled in going to and com-  
6 ing from the meetings of the board. Said expenses shall be  
7 paid from the fees and fines received by the board under the  
8 provisions of this act, and no part of the salary or other  
9 expenses of the board shall ever be paid out of the state treasury.

SEC. 6. Each member of the board shall, upon his qualifica-  
2 tion and the organization of the board, file with the secretary  
3 his post office address, and thereafter any notice of any change  
4 therein. Any notice sent to the address so on file, shall be  
5 deemed to comply with the requirements of this act, as to notice  
6 to them.

SEC. 7. All books of said board shall be of public record,  
2 and at all times during business hours open to public inspec-  
3 tion. A certified copy of any part or all thereof shall be pri-  
4 mary evidence in any court of this state. The original books  
5 shall be kept in the office of the secretary of said board, where-  
6 ever he may reside, and he shall furnish to any person making  
7 application thereof, a copy of any part thereof, upon the appli-  
8 cant paying a fee of twenty-five (25) cents per hundred (100)  
9 words so copied, the said fee to belong to the secretary.

SEC. 8. The Association of Naturopaths shall have the  
2 power to remove from office at any time, any member of the  
3 board for continued neglect of duty required by this act, or for  
4 incompetency, unprofessional or dishonorable conduct.

SEC. 9. Any and all persons who may desire, may appear  
2 before the board at any of its regular meetings and be examined

3 in reference to their knowledge and skill in naturopathy, said  
4 examination to be elementary and practical in character, but  
5 sufficiently thorough to test the applicants fitness to practice  
6 naturopathy: It shall include the following subjects: Anat-  
7 omy, physiology, chemistry, botany, gynecology, obstetrics,  
8 knifeless or orthopedic surgery, hydropathy, electricity, mas-  
9 sage, chiro-practice, medical gymnastics, chromopathy, and  
10 suggestive therapeutics, and if the examination of such person  
11 or persons shall prove satisfactory to said board, the board of  
12 examiners shall issue to such person or persons as they shall  
13 find to possess the requisite qualifications, a license to that  
14 effect, in accordance with this act. Said board may also  
15 indorse as satisfactory, diplomas from any reputable college of  
16 naturopathy when satisfied as to the character of such institu-  
17 tion, upon the holder furnishing satisfactory evidence, to the  
18 board, of his right to the same, and shall issue licenses to that  
19 effect within ten (10) days thereafter. All licenses issued by  
20 said board shall be signed by a majority of the members of the  
21 board, and such licenses shall be *prima facie* evidence of the  
22 right of the holder to practice naturopathy in the State of Cali-  
23 fornia.

SEC. 10. Any member of the board may inquire of any  
2 applicant for examination concerning his character, qualifica-  
3 tions or experience, and may take testimony of any one in  
4 regard thereto, under oath, which he is hereby empowered to  
5 administer.

SEC. 11. Within six (6) months from the time this act  
2 takes effect, it shall be the duty of every person who is now  
3 engaged in the practice of naturopathy in the State of California,  
4 to cause his name and residence, or place of business, to be reg-  
5 istered with said board of examiners, who shall keep a book for  
6 that purpose. The statement of every such person shall be veri-  
7 fied under oath before a notary public or justice of the peace, in  
8 such manner as may be prescribed by the board of examiners.  
9 Every person who shall so register with said board as a practi-  
10 tioner of naturopathy, shall receive a license to that effect, and  
11 may continue to practice as such without incurring any of the

12 liabilities or penalties provided in this act, and shall pay to  
13 the board of examiners a registration fee of ten (\$10) dollars.  
14 It shall be the duty of the board of examiners to forward to the  
15 county clerk of each county in the state, a certified list of the  
16 names of all persons residing in his county, who have regis-  
17 tered in accordance with the provisions of this act, and it shall  
18 be the duty of all county clerks to register such names in a  
19 book to be kept for that purpose.

SEC. 12. Every person licensed to practice naturopathy in  
2 this state, shall within six (6) months thereafter register in the  
3 office of the clerk in the county where his place of business is  
4 located, in a book kept by the clerk for such purpose, and  
5 called a register of naturopaths, his name, age, office address,  
6 the date and number of his license to practice naturopathy,  
7 and the date of such registration, which registration he shall  
8 be entitled to make only upon showing to the county clerk his  
9 license or copy thereof, certified by the secretary of the board  
10 over its seal, and making a affidavit stating his name, age,  
11 birthplace, the number of his license, and the date of its issue;  
12 that he is the identical person named in the license that before  
13 receiving the same he complied with all the preliminary require-  
14 ments of this statute and the rules of the board of naturopathy  
15 examiners, as to the terms and amount of study and examina-  
16 tion; that no money, other than the fees prescribed by this  
17 statute and said rules, was paid directly or indirectly for such  
18 license, and that no fraud, misrepresentation or mistake in a  
19 material regard was employed or occurred in order that such  
20 license should be conferred. The county clerk shall preserve  
21 such affidavit in a bound volume, and shall issue to every  
22 licentiate duly registering and making such affidavit, a certifi-  
23 cate of registration in his county which shall include a  
24 transcript of the registration. Such transcript and license may  
25 be offered as primary evidence in all the courts of the state of  
26 the facts therein stated. A copy of such certificate of regis-  
27 tration shall be sent by the county clerk to the secretary of the  
28 board within five (5) days after it is made. The county clerk's  
29 fee for taking such registration and affidavit and issuing such

30 certificate of registration, shall be one (\$1) dollar. A practicing  
31 naturopath having registered a lawful authority to practice  
32 naturopathy in one county of the state, and removing such  
33 practice or part thereof to another county, shall show or send  
34 by registered mail to the clerk of such other county, his certifi-  
35 cate of registration. If such certificate clearly shows that the  
36 original registration was of an authority by the board of  
37 naturopath examiners as entitled to registration, the clerk  
38 shall thereupon register the applicant in the register of  
39 naturopaths of the latter county on receipt of a fee of fifty  
40 (50) cents, and shall stamp or endorse such certificate of  
41 registration, the date and his name, preceded by the words,  
42 "registered also in —— county," and return the certificate  
43 of registration to the applicant. Any lawfully registered  
44 person who shall thereafter change his name according to  
45 law, shall register the new name with a marginal note of the  
46 former name with the clerk of the county or counties where he  
47 is practicing. The clerk shall note upon the margin of his  
48 former registration in ink, the fact of such change, and a cross  
49 reference to the new registration. The clerk shall forthwith  
50 notify the secretary of the board of such change. Any county  
51 clerk who, knowingly makes or suffers to be made upon the  
52 register of naturopaths kept in his office, any entry other than  
53 provided for in this act, shall be liable to a penalty of fifty  
54 (\$50) dollars, to be recovered by and paid to the said state board  
55 of naturopath examiners in a suit in any court having jurisdic-  
56 tion. Any failure, neglect or refusal on the part of any person  
57 holding such license to register the same with the clerk of said  
58 county as above directed for a period of six (6) months after  
59 the issuance thereof, shall ipso facto work a forfeiture of his  
60 license, and it shall not be restored except upon the payment  
61 to said board of twenty-five (\$25) dollars. Any suspension,  
62 revocation, or reinstatement of a license shall with the date  
63 thereof, be forthwith noted by the county clerk on the margin  
64 of the registration thereof, upon receipt of notice from the  
65 secretary of the board.

SEC. 13. From and after the passage of this act, any

2 and all persons desiring to enter upon the practice of natur-  
3 opathy in the State of California, without graduating from a  
4 reputable college endorsed by the board of naturopath  
5 examiners, or producing satisfactory evidence of having been  
6 a licensed practitioner of naturopathy, in some other state,  
7 province or country, for at least two (2) years, must file  
8 with the board of naturopath examiners, an affidavit cer-  
9 tified before a notary public of the State of California, of his  
10 intention to begin an apprenticeship with a licensed practi-  
11 tioner of naturopathy in this state, and the said affidavit must  
12 certify that the affiant has regularly graduated from a high  
13 school, or similar institution of learning, requiring at least  
14 three (3) years, or can show by examination that he has  
15 passed with a percentage equally as good as a high school,  
16 requiring three (3) years for graduation, and shall contain in  
17 full, the names of both affiant and proposed preceptor, and the  
18 names of two (2) reputable witnesses, together with the date  
19 of beginning of his proposed term of apprenticeship, and the  
20 board of naturopath examiners shall issue affiant a receipt  
21 for same.

SEC. 14. Every person applying to the board of naturopath  
2 examiners for a license to practice naturopathy, shall pay to  
3 the board a fee of twenty (\$20) dollars, which shall in no case  
4 be refunded.

SEC. 15. Any and all persons shall be understood to be  
2 practicing naturopathy within the meaning of this act, who  
3 shall for a fee, salary or reward, paid directly or indirectly,  
4 either to himself or to some other person, perform any opera-  
5 tion in knifeless or orthopedic surgery, chiro-practice, pre-  
6 scribe herbs, practice medical electricity, medical gymnastics  
7 suggestive therapeutics, hydropathy, or treats diseases by mas-  
8 sage, or professes to be a scientific masseur, or displays a sign,  
9 or in any way advertises himself as a naturopath, but nothing  
10 in this act contained, shall prohibit bona fide students of  
11 naturopathy, from operating in the clinical departments or  
12 laboratories of reputable naturopathic colleges, or the student of  
13 a licentiate from assisting his preceptor in operations while in

14 the presence of, and under the personal supervision of his  
15 instructor. Nothing in the provisions of this act shall be con-  
16 strued to permit the practice of naturopathy by any unlicensed  
17 person, under the cover of the name of a regular practitioner  
18 of naturopathy.

SEC. 16. Any person, company or association, shall be guilty  
2 of a misdemeanor, and upon conviction thereof, shall be  
3 punishable with a fine not less than fifty (\$50) dollars or more  
4 than five hundred (\$500) dollars, or by imprisonment for not  
5 less than five (5) days, or more than six (6) months in the  
6 county jail, or by both fine and imprisonment, who,

7 (1) Shall use or attempt to use any diploma, certificate, or  
8 transcript, which has been purchased, fraudulently issued,  
9 counterfeited, or materially altered, either as a license, or color  
10 of license, to practice naturopathy, or in order to procure  
11 registration as a naturopath; or,

12 (2) Shall practice naturopathy under a false or assumed  
13 name; or,

14 (3) Shall in affidavit, required of an applicant for exami-  
15 nation, license, registration under this act, willfully make a  
16 false statement in a material regard; or,

17 (4) Shall engage in the practice of naturopathy under any  
18 title or name, without causing to be displayed in a conspicuous  
19 manner, and in a conspicuous place in his office, the name of  
20 each and every person employed, or,

21 (5) Shall within ten (10) days after demand, made by the  
22 secretary of the board, fail to furnish to said board, the name  
23 and address of all persons practicing or assisting in the practice  
24 of naturopathy in the office of said person, company, or  
25 association, or at any time within sixty (60) days prior to  
26 said notice together with a sworn statement under and by what  
27 license or authority said person, company, or association, and  
28 said employés are, and have been practicing naturopathy,  
29 but said affidavit shall not be used as evidence against such  
30 person, company, or association in any proceeding under this  
31 section.

SEC. 17. All fines, penalties, or forfeitures, not including

2 the examination fee, imposed or collected for the violation of  
3 any of the foregoing provisions of this act, unless otherwise  
4 specified, shall be paid as follows: One half into the common  
5 school fund, in the county in which the prosecution is had,  
6 and one half to the treasurer of this board, to be turned into  
7 the regular funds of this board, and it shall be the duty of the  
8 county treasurer of each county, upon the receipt by him of  
9 any such fines, penalties, forfeitures, to pay over the same one  
10 half to the treasurer of this board. Said board, or any mem-  
11 ber or officer thereof, may prefer a complaint for the violation  
12 of the law regulating the practice of naturopathy before any  
13 court of competent jurisdiction, and may, by its officers, coun-  
14 sel, and agents, aid in presenting the law or facts before said  
15 court, in any proceeding taken thereon: and it shall be the duty  
16 of the district attorney of each county of this state, to prosecute  
17 all violations of the aforesaid provisions of this act, in their  
18 respective counties in which such violations occur.

SEC. 18. The members of the board of naturopath exam-  
2 iners shall make an annual report of its proceedings to the  
3 governor of California, by the first of December of each year,  
4 together with an account of all moneys received and disbursed  
5 by them, pursuant to this act.

SEC. 19. Three (3) members of said board of naturopath  
2 examiners shall constitute a quorum for the transaction of  
3 business at any meeting of the board.

SEC. 20. This act shall take effect September first, nineteen  
2 hundred and five, and the laws heretofore enacted and existing  
3 prior to this act in the State of California, referring to natur-  
4 opathy and the practice thereof, and to the several particular  
5 matters contemplated in this act, are hereby repealed, and all  
6 laws in conflict with this act are repealed.

1/25/1905: ref to Comm. on Public Health & Qua-  
2/21/1905 PA + Q - DO PASS recommended  
2-AB 528 2/25/1905 - ENCLOSED  
3/10/1905 - LEFT ON FILE